

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
FIRST SESSION  
**LEGISLATIVE BILL 657**

Introduced by Raikes, 25

Read first time January 17, 2007

Committee: Education

A BILL

1 FOR AN ACT relating to school technology and telecommunications;  
2 to amend sections 79-1332, 79-1336, and 79-1337, Revised  
3 Statutes Cumulative Supplement, 2006; to define a  
4 term; to add provisions relating to distance education  
5 classrooms; to provide for per hour incentives; to  
6 harmonize provisions; and to repeal the original  
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 79-1332, Revised Statutes Cumulative  
2 Supplement, 2006, is amended to read:

3           79-1332 For purposes of sections 79-1331 to 79-1337:

4           (1) Distance education course means a course with at  
5 least one student in any of grades kindergarten through twelve  
6 who is in a different location than the teacher and taught by a  
7 teacher employed by an educational entity either utilizing two-way  
8 interactive video or the Internet without two-way interactive  
9 video. Distance education course includes a dual-enrollment course  
10 with at least one student who is in a different location than the  
11 teacher and taught by a teacher employed by an educational entity  
12 utilizing either two-way interactive video or the Internet without  
13 two-way interactive video;

14           (2) Dual-enrollment course means a course taught to  
15 students for credit at both a high school and a postsecondary  
16 educational institution;

17           (3) Educational entity means a school district, a  
18 private, denominational, or parochial school, an educational  
19 service unit, a community college, a state college, the University  
20 of Nebraska, or a nonprofit private postsecondary educational  
21 institution;

22           (4) Elementary distance education course means a distance  
23 education course which is delivered utilizing two-way interactive  
24 video to students who are enrolled in any of grades kindergarten  
25 through eight;

1           ~~(4)~~ (5) Network Nebraska means the network created  
2 pursuant to section 86-5,100;

3           ~~(5)~~ (6) Qualified distance education course means a  
4 distance education course which meets any applicable rules and  
5 regulations of the State Department of Education, is offered for  
6 one semester of high school credit or the equivalent, and for which  
7 all of the participating educational entities are required to have  
8 access to Network Nebraska; and

9           ~~(6)~~ (7) Two-way interactive video distance education  
10 course means a distance education course in which a teacher  
11 delivers instruction to students in a different location than the  
12 teacher using two-way interactive video on at least two different  
13 days per week during the course.

14           Sec. 2. Section 79-1336, Revised Statutes Cumulative  
15 Supplement, 2006, is amended to read:

16           79-1336 (1) For fiscal years 2007-08 through 2013-14,  
17 the State Department of Education shall provide distance education  
18 equipment reimbursement to school districts and educational service  
19 units from the Education Innovation Fund as provided in this  
20 section. Such reimbursements shall be for hardware or software  
21 purchased after July 14, 2006, for use in distance education  
22 and shall be limited to a total through fiscal year 2013-14 of  
23 twenty thousand dollars multiplied by the number of high school  
24 buildings for each school district and twenty thousand dollars  
25 for each educational service unit office with a distance education

1 classroom, except that no educational service unit shall count  
2 more than one office with a distance education classroom for each  
3 four thousand square miles within the boundaries of the educational  
4 service unit. If a school district has one or more former high  
5 school buildings that are no longer being used as high school  
6 buildings due to a school district merger and such buildings have  
7 distance education classrooms at the time of application, such  
8 buildings shall be deemed high school buildings for the purposes  
9 of this subsection. The reimbursements may include installation  
10 costs for such hardware or software. Applications shall be accepted  
11 by the department beginning in the first year that the school  
12 district or the educational service unit accesses Network Nebraska  
13 and ending June 30, 2013. Applications shall be submitted on or  
14 before July 1 of each year on a form specified by the department  
15 and shall include:

16 (a) A description of the hardware or software purchased  
17 and how the hardware or software will be used for distance  
18 education;

19 (b) Copies of receipts for the purchases to be  
20 reimbursed; and

21 (c) For school districts, a commitment to either send  
22 or receive two-way interactive video distance education courses  
23 through the Distance Education Council each semester, or the  
24 equivalent of two semester courses each year, for four years and to  
25 apply for distance education incentives pursuant to section 79-1337

1 or to provide any other evidence required by the department to show  
2 that the commitment was met.

3 (2) On or before August 1 of each year, the department  
4 shall certify the reimbursements to be paid to each school district  
5 or educational service unit on or before September 1 of each year.

6 (3) The department shall use the applications for  
7 distance education incentives submitted pursuant to section 79-1337  
8 and any other information requested by the department pursuant to  
9 rules and regulations of the department to verify that each school  
10 district that received a reimbursement completes the commitment to  
11 either send or receive two-way interactive video distance education  
12 courses through the Distance Education Council for four years. Any  
13 school district failing to complete such commitment shall repay  
14 the Education Innovation Fund for the amount of any reimbursements  
15 received pursuant to this section. On or before September 1 of each  
16 year, the department shall notify any school district failing to  
17 complete the commitment for the prior school year that repayment  
18 of the reimbursement is required and the amount of such repayment.  
19 Repayments shall be due on or before the immediately following  
20 December 31. Late repayments shall accrue interest at the rate  
21 prescribed in section 45-104.02 from the date of the initial  
22 reimbursement.

23 (4) On or before October 1 of each year, a school  
24 district or educational service unit may appeal the denial of  
25 reimbursements or a school district may appeal the requirement to

1 repay reimbursements to the State Board of Education. The board  
2 shall allow a representative of the school district or educational  
3 service unit an opportunity to present information concerning the  
4 appeal to the board at the November board meeting. If the board  
5 finds that the department denied the reimbursement in error, the  
6 department shall pay the district or educational service unit from  
7 the Education Innovation Fund as soon as practical the amount which  
8 was denied in error. If the board finds that the department erred  
9 in notifying a school district that a reimbursement is required to  
10 be repaid, such notification shall be void.

11 (5) The State Board of Education shall adopt and  
12 promulgate rules and regulations to carry out this section.

13 Sec. 3. Section 79-1337, Revised Statutes Cumulative  
14 Supplement, 2006, is amended to read:

15 79-1337 (1) For fiscal years 2007-08 through 2015-16,  
16 the State Department of Education shall provide distance education  
17 incentives from the Education Innovation Fund to school districts  
18 and educational service units for qualified distance education  
19 courses and coordinated through the Distance Education Council as  
20 provided in this section.

21 (2) School districts and educational service units shall  
22 apply for incentives annually to the department on or before August  
23 1 on a form specified by the department. The application shall:

24 (a) For school districts, specify (i) the qualified  
25 distance education courses which were received by students in the

1 membership of the district in the then-current school fiscal year  
2 and which were not taught by a teacher employed by the school  
3 district and (ii) for each such course (A) the number of students  
4 in the membership of the district who received the course, (B)  
5 the educational entity employing the teacher, and (C) whether the  
6 course was a two-way interactive video distance education course;  
7 and

8 (b) For school districts and educational service units,  
9 specify (i) the qualified distance education courses which were  
10 received by students in the membership of another educational  
11 entity in the then-current school fiscal year and which were  
12 taught by a teacher employed by the school district or educational  
13 service unit, (ii) for each such course for school districts,  
14 the number of students in the membership of the district who  
15 received the course, and (iii) for each such course (A) the other  
16 educational entities in which students received the course and how  
17 many students received the course at such educational entities,  
18 (B) any school districts in the sparse cost grouping or the very  
19 sparse cost grouping as described in section 79-1007.02 that had  
20 at least one student in the membership who received the course,  
21 and (C) whether the course was a two-way interactive video distance  
22 education course.

23 (3) On or before September 1 of each year, the department  
24 shall certify the incentives to be paid to each school district and  
25 educational service unit on or before October 1 of each year. The

1 incentives for each district shall be calculated as follows:

2 (a) Each district shall receive distance education units  
3 for each qualified distance education course as follows:

4 (i) One distance education unit for each qualified  
5 distance education course received as reported pursuant to  
6 subdivision (2)(a) of this section if the course was a two-way  
7 interactive video distance education course;

8 (ii) One distance education unit for each qualified  
9 distance education course sent as reported pursuant to subdivision  
10 (2)(b) of this section if the course was not received by at least  
11 one student who was in the membership of another school district  
12 which was in the sparse cost grouping or the very sparse cost  
13 grouping;

14 (iii) One distance education unit for each qualified  
15 distance education course sent as reported pursuant to subdivision  
16 (2)(b) of this section if the course was received by at least  
17 one student who was in the membership of another school district  
18 which was in the sparse cost grouping or the very sparse cost  
19 grouping, but the course was not a two-way interactive video  
20 distance education course; and

21 (iv) Two distance education units for each qualified  
22 distance education course sent as reported pursuant to subdivision  
23 (2)(b) of this section if the course was received by at least one  
24 student who was in the membership of another school district which  
25 was in the sparse cost grouping or the very sparse cost grouping

1 and the course was a two-way interactive video distance education  
2 course;

3 (b) The difference of the amount available for  
4 distribution in the Education Innovation Fund on the August 1 when  
5 the applications were due minus any amount to be paid to school  
6 districts pursuant to section 79-1336 shall be divided by the  
7 number of distance education units to determine the incentive per  
8 distance education unit, except that the incentive per distance  
9 education unit shall not equal an amount greater than one thousand  
10 dollars; and

11 (c) The incentives for each school district shall equal  
12 the number of distance education units calculated for the school  
13 district multiplied by the incentive per distance education unit.

14 (4) If there are additional funds available for  
15 distribution after equipment reimbursements pursuant to section  
16 79-1336 and incentives calculated pursuant to subsections (1) to  
17 (3) of this section, school districts and educational service  
18 units may qualify for additional incentives for elementary distance  
19 education courses. Such incentives shall be calculated for sending  
20 and receiving school districts and educational service units as  
21 follows:

22 (a) The per hour incentives shall equal the funds  
23 available for distribution after equipment reimbursements pursuant  
24 to section 79-1336 and incentives calculated pursuant to  
25 subsections (1) through (3) of this section divided by the sum of

1 the hours of elementary distance education course sent or received  
2 for each school district and educational service unit submitting  
3 an application, except that the per hour incentives shall not be  
4 greater than ten dollars;

5 (b) The elementary distance education incentives for each  
6 school district and educational service unit shall equal the per  
7 hour incentive multiplied by the hours of elementary distance  
8 education course sent or received by the school district or  
9 educational service unit.

10 ~~(4)~~ (5) The department may verify any or all application  
11 information using annual curriculum reports and may request such  
12 verification from the Distance Education Council.

13 ~~(5)~~ (6) On or before October 1 of each year, a school  
14 district or educational service unit may appeal the denial of  
15 incentives for any course by the department to the State Board of  
16 Education. The board shall allow a representative of the school  
17 district or educational service unit an opportunity to present  
18 information concerning the appeal to the board at the November  
19 board meeting. If the board finds that the course meets the  
20 requirements of this section, the department shall pay the district  
21 from the Education Innovation Fund as soon as practical in an  
22 amount for which the district or educational service unit should  
23 have qualified based on the incentive per distance education unit  
24 used in the original certification of incentives pursuant to this  
25 section.

1                   ~~(6)~~ (7) The State Board of Education shall adopt and  
2 promulgate rules and regulations to carry out this section.

3                   Sec. 4. Original sections 79-1332, 79-1336, and 79-1337,  
4 Revised Statutes Cumulative Supplement, 2006, are repealed.